

PATENT
Customer No. 26874
Atty. Docket: END5101.0515146

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Jean Beaupre : Paper No:
Serial No. 10/675,091 : Group Art Unit: 3731
Filed: September 30, 2003 : Examiner: N.R. Pous
For: UNFOLDING ANASTOMOSIS RING DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Confirmation No. 4756

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action, dated February 8, 2007, relating to the above patent application, please consider the following response.

In the above-mentioned Restriction Requirement, the Examiner has asked that the Applicant make an election between the following three groups of Species:

Species 1: figure 1

Species 2: figure 8

Species 3: figure 13

The Examiner noted that the species were independent or distinct because they require different technical features. For instance, species 1 requires a connecting member, while species 2 requires pin hinge joints.

In accordance with 35 U.S.C. 121, Applicant elects the single Species 1 (FIG. 1) without traverse for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

With regard to the pending claims 1, 6-8, and 11-20, Applicant elects the following claims for examination as being related, 1 and 14-20. Applicant asserts that claim 1 is generic, reading on each species 1-3. Dependent claims 6 and 7 read specifically on species 2 and dependent claim 8 reads on species 3, illustrating this generic nature.

Applicant further asserts that claim 14 is generic between species 1 and 3, as is dependent claim 15. The remaining claims which depend on claim 14, namely claims 16-20, read on species 1.

Conclusion

In light of the restriction made, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicant encourages the Examiner to contact his representative, David Franklin at (513) 651-6856 or dfranklin@fbtlaw.com.

The claims after restriction number fewer than 20 total and 3 independent and therefore, no fees are due. Also, this response is being filed within the one month response period. However, the Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the US Patent Office by electronic transmission addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 21, 2007.

Elizabeth A. Middleton
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Respectfully submitted,

Jean Beaupre

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